

Levinson Simon & Sprung, P.C.**Summary Report****Report Date: 9/13/2007**

Page 1

Fox Valley Laborers

BARTLETT SEWER & WATER

Case #: FVLAB-0907-687

Audit Period: 1/1/2005 thru 7/31/2007

Employees

Others/Unknown

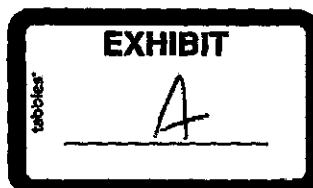
ALL FUNDS EXCEPT DUES, LDCLMCC AND LECET (8010)

Benefit	Year	Amount	Totals
CISCO	2005	5.72	
	2006	0.32	
			6.04
IAF	2005	34.32	
	2006	1.92	
			36.24
Pension Fund	2005	2,379.60	
	2006	134.40	
			2,514.00
Safety Fund	2005	5.72	
	2006	0.32	
			6.04
Training Fund	2005	97.24	
	2006	5.44	
			102.68
Welfare Fund	2005	3,718.20	
	2006	211.20	
			3,929.40
			6,594.40

Summary by Year

Manager: Betar, Leia
Auditor: Collins, Latonya

2005	6,240.80
2006	353.60
	6,594.40



Fox Valley Laborers
BARTLETT SEWER & WATER

Case #: FVLAB-0907-687
Contract: Laborers Road Contract #8010

Levinson Simon & Sprung, P.C.
Detail Report
Report Date: 9/13/2007

Page 2
Employees
Others/Unknown

Contributions computed by Amount per Hour

Contribution Rates		January	February	March	April	May	June	July	August	September	October	November	December
Regular													
CISCO		.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100
IAF		.0600	.0600	.0600	.0600	.0600	.0600	.0600	.0600	.0600	.0600	.0600	.0600
Pension Fund		3.9000	3.9000	3.9000	3.9000	3.9000	4.2000	4.2000	4.2000	4.2000	4.2000	4.2000	4.2000
Safety Fund		.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100
Training Fund		.1700	.1700	.1700	.1700	.1700	.1700	.1700	.1700	.1700	.1700	.1700	.1700
Welfare Fund		5.8500	5.8500	5.8500	5.8500	5.8500	6.6000	6.6000	6.6000	6.6000	6.6000	6.6000	6.6000
		10.0000	10.0000	10.0000	10.0000	10.0000	11.0500	11.0500	11.0500	11.0500	11.0500	11.0500	11.0500
Contributions													
CISCO	Total	5.72											
IAF		34.32	4.56					1.20	.64	.60	.72	1.15	.65
Pension Fund		2,379.60	296.40					504.00	268.80	252.00	302.40	483.00	273.00
Safety Fund		5.72	.76					1.20	.64	.60	.72	1.15	.65
Training Fund		97.24	12.92					20.40	10.88	10.20	12.24	19.55	11.05
Welfare Fund		3,718.20	444.60					792.00	422.40	396.00	475.20	759.00	429.00
		6,240.80	760.00					1,326.00	707.20	663.00	795.60	1,270.75	718.25

Fox Valley Laborers
BARTLETT SEWER & WATER

Case #: FVLAB-0907-687 Year: 2005
Contract: Laborers Road Contract #8010

Levinson Simon & Sprung, P.C.
Detail Report
Report Date: 9/13/2007

Page 3
Employees
Others/Unknown

Contributions computed by Amount per Hour

Hours	Total	January	February	March	April	May	June	July	August	September	October	November	December
Individuals													
HERNANDEZ, LUIS	572.000	76.000						120.000	64.000	60.000	72.000	115.000	65.000
Total Individuals	572.000	76.000						120.000	64.000	60.000	72.000	115.000	65.000
	572.000	76.000						120.000	64.000	60.000	72.000	115.000	65.000
Contributions													
Individuals													
HERNANDEZ, LUIS	6,240.80	760.00						1,326.00	707.20	663.00	795.60	1,270.75	718.25
Total Individuals	6,240.80	760.00						1,326.00	707.20	663.00	795.60	1,270.75	718.25
	6,240.80	760.00						1,326.00	707.20	663.00	795.60	1,270.75	718.25

Fox Valley Laborers
BARTLETT SEWER & WATER

Case #: FVLAB-0907-687 Year: 2006
Contract: Laborers Road Contract #8010

Levinson Simon & Sprung, P.C.
Detail Report
Report Date: 9/13/2007

Page 4
Employees
Others/Unknown

Contributions computed by Amount per Hour

Contribution Rates	January	February	March	April	May	June	July	August	September	October	November	December
Regular												
CISCO	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100
IAF	.0600	.0600	.0600	.0600	.0600	.0600	.0600	.0600	.0600	.0600	.0600	.0600
Pension Fund	4.2000	4.2000	4.2000	4.2000	4.2000	5.1000	5.1000	5.1000	5.1000	5.1000	5.1000	5.1000
Safety Fund	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100	.0100
Training Fund	.1700	.1700	.1700	.1700	.1700	.1700	.1700	.1700	.1700	.1700	.1700	.1700
Welfare Fund	6.6000	6.6000	6.5000	6.6000	6.6000	7.2000	7.2000	7.2000	7.2000	7.2000	7.2000	7.2000
	11.0500	11.0500	11.0500	11.0500	11.0500	12.5500	12.5500	12.5500	12.5500	12.5500	12.5500	12.5500
Contributions												
CISCO	.32			.32								
IAF	1.92			1.92								
Pension Fund	134.40			134.40								
Safety Fund	.32			.32								
Training Fund	5.44			5.44								
Welfare Fund	211.20			211.20								
	353.60			353.60								

Fox Valley Laborers
BARTLETT SEWER & WATER

Case #: FVLAB-0907-687 Year: 2006
Contract: Laborers Road Contract #8010

Levinson Simon & Sprung, P.C.
Detail Report
Report Date: 9/13/2007

Page 5
Employees
Others/Unknown

Contributions computed by Amount per Hour													
Hours	Total	January	February	March	April	May	June	July	August	September	October	November	December
Others/Unknown													
*OLEWINSKI, P.	32.000				32.000								
Total Others/Unknown	32.000				32.000								
	32.000				32.000								
Contributions													
Others/Unknown													
*OLEWINSKI, P.	353.60				353.60								
Total Others/Unknown	353.60				353.60								
	353.60				353.60								

Levinson Simon & Sprung, P.C.**Summary Report****Report Date: 9/13/2007**

Page 6

Fox Valley Laborers

BARTLETT SEWER & WATER

Case #: FVLAB-0907-687

Audit Period: 1/1/2005 thru 7/31/2007

Employees
Subcontractors**DUES, LDCLMCC AND LECET ONLY (8010)**

Benefit	Year	Amount	Totals
Dues	2005	300.27	
	2006	21.11	
			321.38
LDCLMCC	2005	68.64	
	2006	4.80	
			73.44
LECET	2005	28.60	
	2006	2.00	
			30.60
			425.42

Summary by Year

Manager: Betar, Leia Auditor: Collins, Latonya

2005	397.51
2006	27.91
	425.42

Fox Valley Laborers
BARTLETT SEWER & WATER

Case #: FVLAB-0907-687 Year: 2005
Contract: Laborers Road Contract #8010

Levinson Simon & Sprung, P.C.
Detail Report
Report Date: 9/13/2007

Page 7
Employees
Subcontractors

Contributions computed as percentage of Dollars Paid

Contributions Rates	January	February	March	April	May	June	July	August	September	October	November	December
Regular												
Dues	1.750%	1.750%	1.750%	1.750%	1.750%	1.750%	1.750%	1.750%	1.750%	1.750%	1.750%	1.750%
	1.750%	1.750%	1.750%	1.750%	1.750%	1.750%	1.750%	1.750%	1.750%	1.750%	1.750%	1.750%
Contributions												
Dues	300.27	38.57					63.32	33.77	31.66	37.99	60.68	34.30
	300.27	38.57					63.32	33.77	31.66	37.99	60.68	34.30

Contributions computed by Amount per Hour

Contribution Rates	January	February	March	April	May	June	July	August	September	October	November	December
Regular												
LDCLMCC	.1200	.1200	.1200	.1200	.1200	.1200	.1200	.1200	.1200	.1200	.1200	.1200
LECET	.0500	.0500	.0500	.0500	.0500	.0500	.0500	.0500	.0500	.0500	.0500	.0500
	.1700	.1700	.1700	.1700	.1700	.1700	.1700	.1700	.1700	.1700	.1700	.1700
Contributions												
LDCLMCC	68.64	9.12					14.40	7.68	7.20	8.64	13.80	7.80
LECET	28.60	3.80					6.00	3.20	3.00	3.60	5.75	3.25
	97.24	12.92					20.40	10.88	10.20	12.24	19.55	11.05

Fox Valley Laborers
BARTLETT SEWER & WATER

Case #: FVLAB-0907-687 Year: 2005
Contract: Laborers Road Contract #8010

Levinson Simon & Sprung, P.C.
Detail Report
Report Date: 9/13/2007

Page 8
Employees
Subcontractors

Contributions computed as Percentage of Dollars Paid

Dollars	Total	January	February	March	April	May	June	July	August	September	October	November	December
Individuals													
HERNANDEZ, LUIS	17,158.44	2,204.00						3,618.00	1,929.60	1,809.00	2,170.80	3,467.25	1,959.79
Total Individuals	17,158.44	2,204.00						3,618.00	1,929.60	1,809.00	2,170.80	3,467.25	1,959.79
	17,158.44	2,204.00						3,618.00	1,929.60	1,809.00	2,170.80	3,467.25	1,959.79
Contributions													
Individuals													
HERNANDEZ, LUIS	300.28	38.57						63.31	33.77	31.66	37.98	60.68	34.30
Total Individuals	300.28	38.57						63.31	33.77	31.66	37.99	60.68	34.30
	300.28	38.57						63.31	33.77	31.66	37.99	60.68	34.30

Fox Valley Laborers
 BARTLETT SEWER & WATER
 Case #: FVLAB-D907-687 Year: 2005
 Contract: Laborers Road Contract #8010

Levinson Simon & Sprung, P.C.
 Detail Report
 Report Date: 9/13/2007

Page 9
 Employees
 Subcontractors

Contributions computed by Amount per Hour

Hours	Total	January	February	March	April	May	June	July	August	September	October	November	December
Individuals													
HERNANDEZ, LUIS	572,000	76,000					120,000	64,000	60,000	72,000	115,000	65,000	
Total Individuals	572,000	76,000					120,000	64,000	60,000	72,000	115,000	65,000	
	572,000	76,000					120,000	64,000	60,000	72,000	115,000	65,000	
Contributions													
Individuals													
HERNANDEZ, LUIS	97.24	12.92					20.40	10.88	10.20	12.24	19.55	11.05	
Total Individuals	97.24	12.92					20.40	10.88	10.20	12.24	19.55	11.05	
	97.24	12.92					20.40	10.88	10.20	12.24	19.55	11.05	

Fox Valley Laborers
 BARTLETT SEWER & WATER
 Case #: FVLAB-0907-687 Year: 2006
 Contract: Laborers Road Contract #8010

Levinson Simon & Sprung, P.C.
 Detail Report
 Report Date: 9/13/2007

Page 11
 Employees
 Subcontractors

Contributions computed as Percentage of Dollars Paid													
Dollars	Total	January	February	March	April	May	June	July	August	September	October	November	December
Subcontractors													
*OLEWINSKI, PATR	1,206.00				1,206.00								
Total Subcontractors	1,206.00				1,206.00								
	1,206.00				1,206.00								
Contributions													
Subcontractors													
*OLEWINSKI, PATR	21.11				21.11								
Total Subcontractors	21.11				21.11								
	21.11				21.11								

Fox Valley Laborers
 BARTLETT SEWER & WATER
 Case #: FVLAB-0907-687 Year: 2006
 Contract: Laborers Road Contract #8010

Levinson Simon & Sprung, P.C.
 Detail Report
 Report Date: 9/13/2007

Page 12
 Employees
 Subcontractors

Contributions computed by Amount per Hour											
Hours	Total	January	February	March	April	May	June	July	August	September	October
Subcontractors											
*OLEWINSKI, PATR [REDACTED]	40,000				40,000						
Total Subcontractors	40,000				40,000						
	40,000				40,000						
Contributions											
Subcontractors											
*OLEWINSKI, PATR [REDACTED]	6.80				6.80						
Total Subcontractors	6.80				6.80						
	6.80				6.80						

Levinson Simon & Sprung, P.C.**Summary Report****Report Date: 9/13/2007**

Page 13

Employees

Fox Valley Laborers

BARTLETT SEWER & WATER

Case #: FVLAB-0907-688

Audit Period: 1/1/2005 thru 7/31/2007

ALL FUNDS EXCEPT DUES, LDCLMCC, LECET AND CAICA

Benefit	Year	Amount	Totals
Pension Fund	2006	707.63	707.63
Training Fund	2006	23.59	23.59
Welfare Fund	2006	999.00	999.00
			<u>1,730.21</u>

Summary by Year

Manager: Betar, Leia
Auditor: Collins, Latonya

2006 1,730.21
1,730.21

[illegible]

[illegible]

Levinson Simon & Sprung, P.C.**Summary Report****Report Date: 9/13/2007**

Page 16

Employees

Fox Valley Laborers

BARTLETT SEWER & WATER

Case #: FVLAB-0907-688

Audit Period: 1/1/2005 thru 7/31/2007

DUES, LDCLMCC, LECET AND CAICA ONLY

Benefit	Year	Amount	Totals
CAICA	2006	11.10	
			11.10
Dues	2006	76.61	
			76.61
LDCLMCC	2006	16.65	
			16.65
LECET	2006	6.94	
			6.94
			111.29

Summary by Year

Manager: Betar, Leia
Auditor: Collins, Latonya

2006	111.29
	111.29

[illegible]

[illegible]

[illegible]

AFFIDAVIT OF PATRICIA M. SHALES

COUNTY OF KANE)
) SS
STATE OF ILLINOIS)

I, Patricia M. Shales, of full age, being duly sworn on my oath, hereby depose and say as follows:

1. I am the Administrative Manager of the Fox Valley Laborers Fringe Benefit Funds, (the "Funds") and in such capacity, have personal knowledge of the matters contained in this affidavit, and if necessary, I could testify to the facts contained herein.

2. I have responsibility for maintaining Bartlett Sewer & Water, Inc.'s account with respect to the Funds in this matter. Furthermore, I am in charge of keeping and maintaining records of contribution reports and contributions received by the Funds from each person, firm and corporation required to make contributions to the Funds. I have similar responsibilities on behalf of Plaintiffs for employers who are signatory to collective bargaining agreements with the Laborers' District Council and/or Fox Valley area local unions requiring employer contributions to the Funds.

3. Pursuant to the terms of the collective bargaining agreements, signatory employers are required to make contributions to the Funds on behalf of their covered employees.

4. Defendant Bartlett Sewer & Water, Inc., (hereinafter "Defendant Company") is signatory on the collective bargaining agreements. As a result, Defendant Company was required to file monthly reports and contribute \$11.07 per hour, per employee to the Funds for relevant periods beginning January 2006; \$12.47 per hour, per employee to the Funds for relevant periods beginning in November 2006; and \$13.87 per hour, per employee to the Funds for relevant periods beginning June 1, 2007.



5. Moreover, employers bound by the collective bargaining agreements, for all periods relevant to this lawsuit, have been required to submit \$0.12 per hour worked by their employees for Labor Management Cooperation Committee ("LMCC") contributions, \$0.05 per hour worked by their employees for Laborers-Employers Cooperation and Education Trust ("LECET") contributions and \$0.08 per hour worked by their employees for Chicago Area Independent Contractors Association ("CAICA") contributions. An employee's hourly wages is set forth in the collective bargaining agreement and varies depending upon whether the employee is entitled to overtime or other premiums. Employers bound by the collective bargaining agreements must deduct and remit one and three quarters percent (1.75%) of the employees' gross wages as union dues for periods prior to June 1, 2007 and two and three quarters percent (2.75%) for periods after June 1, 2007.

6. Under the collective bargaining agreements and trust agreements, delinquent contributions to the Funds incur liquidated damages of 20% once a lawsuit is filed; delinquent contributions to the ancillary funds and delinquent union dues incur liquidated damages of 10%; and under the labor agreement and trust agreements, employers are liable for interest on delinquent contributions at a rate of 2% compounded monthly until paid, and auditor's fees, attorneys' fees and other costs of collection.

7. Notwithstanding its obligations under the collective bargaining agreements, as revealed pursuant to an audit for the period of January 1, 2005 through July 31, 2007, the Defendant Company has failed to timely report and pay contributions and dues owed to the Funds and the Affiliated Organizations, thereby depriving the Funds and the Affiliated Organizations of contributions, income and information needed to administer the Funds, and jeopardizing the welfare and pension benefits of participants and beneficiaries.

8. Based on the audit, for the period of January 1, 2005 through July 31, 2007, the Defendant Company owes the following amounts for unpaid contributions, dues, liquidated damages, interest, and audit costs but not attorneys' fees and costs which the Defendant Company is also liable to pay:

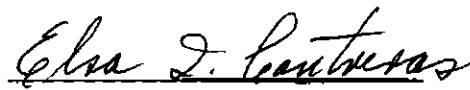
Pension (01/05-7/07)	\$ 3,221.63
Safety	\$ 6.04
Training	\$ 126.27
Welfare	\$ 4,928.40
CAICA	\$ 11.10
CISCO	\$ 6.04
IAF	\$ 36.24
Dues	\$ 397.99
LDCLMCC	\$ 90.09
LECET	\$ 37.54
Subtotal:	\$ 8,861.34
Liquidated Damages @ 20%	\$ 1,664.74
Liquidated Damages @ 10%	\$ 53.76
Interest	\$ 4,027.12
Audit Fee	\$ 913.54
Total	\$15,520.50

9. Under the collective bargaining agreement, Defendant Company must also pay all reasonable attorneys' fees and costs of collection.

I have read the foregoing affidavit and swear that it is true and correct to the best of my knowledge, information, and belief.


Patricia M. Shales

Subscribed and sworn to by
Patricia M. Shales, whose signature
is known to me, this 28th day of
February, 2008,


Notary Public
OFFICIAL SEAL
ELSA I. CONTRERAS
NOTARY PUBLIC, STATE OF ILLINOIS
COMMISSION EXPIRES 11/14/2009

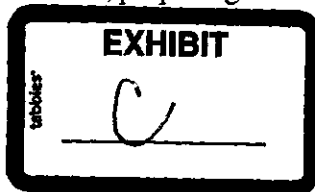
RECEIVED
FEB 27 2008
F.V. LABORERS

AFFIDAVIT OF LAKISHA M. KINSEY-SALLIS

COUNTY OF COOK)
) SS
STATE OF ILLINOIS)

I, LaKisha M. Kinsey-Sallis, of full age, being duly sworn on my oath, hereby depose and say as follows:

1. I am an attorney admitted to the regular bar of this Court and the State of Illinois.
2. I am an associate in the firm Dowd, Bloch & Bennett where I practice exclusively in the areas of ERISA, labor and employment law. In this position I have responsibility in representing Plaintiffs in case number 07-C-6837.
3. This affidavit is based on my personal knowledge and, if necessary, I could testify to the facts contained in this affidavit.
4. Through the filing of this motion, the Firm has devoted a total of approximately 15.00 hours to the representation of the Fox Valley Laborers' Health and Welfare Fund and the Fox Valley Laborers' Pension Fund (collectively the "Funds") in connection with this case. This includes time spent conferring with my client, preparing correspondence to my client and to the Defendant and/or a representative for the Defendant, discussing the status of the audit with my client, a representative of the Defendant and the Funds' auditors, reviewing the audit findings, preparing demand letters, preparing the Complaint and related documents, discussing the status of service on the Defendants with the process servers, researching the Defendant Company's corporate structure, researching the status of Company's officers' bankruptcy and/or probate proceedings, preparing the necessary documents to serve the Company through the Secretary of State, preparing the Complaint and related documents, preparing the motion for entry of the default and related documents, appearing in Court and reviewing any Orders entered in this case, preparing the motion for default judgment and related



documents.

5. The rate which our firm charges the Funds for my work is \$155.00 per hour, \$200.00 for Mr. J. Peter Dowd, \$175.00 for the work of Ms. Michele Reynolds, \$115.00 for the work of law clerks, and \$95.00 for the work of paralegals.

6. I anticipate I will devote at least three additional hours to the case in preparing for and attending the hearing on this motion, examining any order or orders that may be entered, informing my client and the Defendant of the results and engaging in collection efforts on the Judgment; and I therefore seek recovery on behalf of the Funds, the charge which will be made for three hours of my time at the applicable rate in addition to the total 15.00 hours described in ¶4, for a total of 18.00 hours.

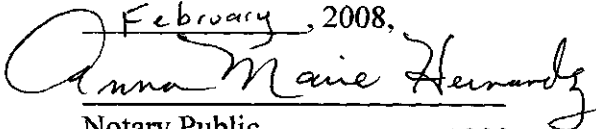
7. Based on 18.00 hours of work which the firm performed or will perform on behalf of the Funds, the Funds will incur attorneys' fees in the amount of \$3,380.00.

8. In addition, the Funds have incurred costs in the amount of \$476.17, specifically \$350.00 for the filing fee, \$11.49 for postage, \$25.00 for process service fees, \$52.68 for LEXIS research charges, \$27.00 for photocopying charges, and \$10.00 for fees related to service on the Defendant through the Secretary of State, .

9. Accordingly, the Benefit Funds has incurred or will incur attorneys' fees and costs in the amount of \$3,856.17.

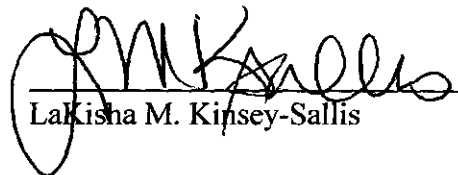
I have read the foregoing affidavit and swear that it is true and correct to the best of my knowledge, information, and belief.

Subscribed and sworn to
before me this 27th day of
February, 2008,


Anna Marie Hernandez

Notary Public




LaKisha M. Kinsey-Sallis